

April 11, 2005

2020121

SUBJECT: FSP - Louisiana Waiver Request – 7 CFR 273.24

TO: Judy K. Barron
Regional Director
Food Stamp Program
Southwest Region

This is in response to your memorandum of October 26, 2004, forwarding the Louisiana State Agency's request to extend their existing statewide waiver to exempt the entire State from the work requirements of 7 CFR 273.24 based on insufficient jobs. The Louisiana State Agency bases its determination of insufficient jobs on U.S. Department of Labor data that shows the State qualifies for extended unemployment benefits.

We apologize for the delay. We are approving waiver 2020121 retroactively from November 1, 2004 to October 31, 2005. Our detailed response is attached.

If you have any questions, please contact Patricia Maggi of our staff at 703-305-2468.

/s/

Harriet Kornegay
Assistant Chief
Certification Policy Branch
Program Development Division

Attachment

cc: Bob Dalrymple, OANE (w/attachment)
Kate Fink, OANE (w/attachment)
Barbara Hallman, PAD (w/Attachment)
Dan Wilucz, QCB, PAD (w/Attachment)
FNS National Arbitrator (w/Attachment)
All Regions except SWRO

DIR:I:CPB:Waivers:FY 2005: 2020121 LA 2005 extension:PMaggi:4-5-05:2nd rev 4-7-05

WAIVER RESPONSE

1. **Waiver serial number:** 2020121
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** None
5. **State:** Louisiana
6. **Region:** Southwest Region (SWRO)
7. **Regulatory requirements:** The Food Stamp Program regulations at 7 CFR 273.24(b), provides that no individual shall be eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36-month period, the individual received food stamp benefits for not less than 3-months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly; did not participate in and comply with the requirements of a work program for 20 hours or more per week; or did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State.

The Food Stamp Program regulations at 7 CFR 273.24(f) also provides that, upon the request of a State agency, the Food and Nutrition Service may waive the applicability of the above provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

8. **Description of proposed alternative procedures:** Louisiana is requesting an extension of their existing waiver to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs based on the U.S. Department of Labor data that the State qualifies for extended unemployment benefits.

26 USC 3304 (Public Law 102-318) allows States the option of providing an additional alternative trigger for the extended benefits program, based on the State's seasonally adjusted total unemployment rate (TUR) for the most recent three months reaching at least: (1) 6.5 percent; and (2) 110 percent of such TUR

for the corresponding three-month periods ending in either or both of the two preceding calendar years.

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The Department of Labor's Trigger Notice No. 2003-44 shows the State's 3-month average TUR was 6.9 percent and 118 percent of the 3-month average for the corresponding period in the second year. This data demonstrates Louisiana is eligible for extended unemployment benefits.

9. **Action and reason for approval or denial:** 26 USC 3304 (Public Law 102-318) allows States the option of providing an additional alternative trigger for the extended benefits program, based on the State's seasonally adjusted total unemployment rate (TUR) for the most recent three months reaching at least: (1) 6.5 percent; and (2) 110 percent of such TUR for the corresponding three-month periods ending in either or both of the two preceding calendar years. The data submitted from the State agency exceeds these criteria. Therefore, we are approving Louisiana's request to exempt residents residing in the entire State from the work requirements of 7 CFR 273.24 due to having insufficient jobs based on the State qualifying for extended unemployment benefits by the U.S. Department of Labor.
10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(2)(ii), which provides Food and Nutrition Service (FNS) to waive the applicability of the work requirement provision for any group of individuals in the State if FNS makes a determination that the area in which the residents reside has insufficient jobs.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** To receive an extension the State agency must provide verifiable data indicating that there are insufficient jobs in the State as outlined in 7 CFR 273.24(f).
13. **Expiration date:** The waiver is approved retroactively to November 1, 2004, and will expire on October 31, 2005.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Louisiana State agency.
15. **Quality control procedures:** N/A
16. **Date of national office action:**

17. Date of State agency's request: October 26, 2004

18. Date of regional office transmittal of request to national office:

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19. Date of regional office transmittal of response to State agency:

20. Actual implementation date: